

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

BARBARA FORLASTRO and ROBERT G. FORLASTRO,
AS CO-ADMINISTRATORS OF THE ESTATE OF
ROBERT J. FOERLASTRO,

Case No.: 1:07-CV-3288
(RPP) (FM)

Plaintiffs,
-against-
Defendant's Requests to
Charge

JAMES COLLINS,

Defendant.

DEFENDANT, JAMES COLLINS, by his attorneys, MEAD, HECHT, CONKLIN & GALLAGHER, LLP, respectfully requests that the Court instruct the jury as follows:

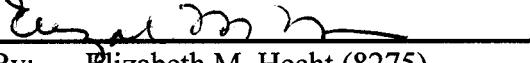
| | | |
|-----|------|---|
| PJI | 1:20 | Introduction |
| PJI | 1:21 | Review Principles Stated |
| PJI | 1:22 | Falsus in Uno |
| PJI | 1:23 | Burden of Proof |
| PJI | 1:24 | Return to Courtroom |
| PJI | 1:25 | Consider Only Testimony and Exhibits |
| PJI | 1:26 | Five-Sixths Verdict |
| PJI | 1:27 | Exclude Sympathy |
| PJI | 1:28 | Conclusion |
| PJI | 1:40 | Consider Only Competent Evidence |
| PJI | 1:41 | Weighing Testimony |
| PJI | 1:61 | General Instruction - Burden of Proof In Death Cases |
| PJI | 1:90 | Expert Witness |
| PJI | 1:91 | Interested Witness |
| PJI | 1:97 | Special Verdict |
| PJI | 2:10 | Negligence Defined |

PJI 2:36 Comparative Negligence
PJI 2:26 Statutory Standard of Care - Vehicle & Traffic Law
Violation:
VTL § 1151 [b]: No pedestrian shall suddenly leave
a curb or other place of safety and walk or run into
the path of a vehicle which is so close that it is
impractical for the driver to yield
PJI 2:70 Proximate Cause
PJI 2:320 Damages - Action for Wrongful Death - That
portion of the charge only as to Wrongful Death
only, not conscious pain)

Dated: Mamaroneck, New York
March 13, 2008

Yours, etc.,

MEAD, HECHT, CONKLIN & GALLAGHER, LLP
Attorneys for Defendant JAMES COLLINS


By: Elizabeth M. Hecht (8275)